IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19897 of 2004

Between:

J. Ramachandraiah Shetty S/o.Venkat Ramaiah Shetty
Chinnagottigallu, Chittoor District.

..... PETITIONER

AND

1. The Station House Officer, Kodad Rural Police Station, Kodad Nalgonda District.
2. The Deputy Commissioner of Prohibition and Excise, Mahaboobnagar Division, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more particularly one in the nature of writ of Mandamus to declare the action of the 1st respondent in seizing the 210 bags of Black Jaggery and one bag of Alum under Crime No.158/2002 as illegal, arbitrary and consequently direct the respondents herein to release the said stocks.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO

Counsel for the Respondents: GP FOR Prohibition and Excise

The Court made the following:

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ORDER:

The petitioner seeks a writ of Mandamus declaring the action of the first respondent in seizing 210 bags of black jaggery and 1 bag of alum under Crime No.158 of 2002 as arbitrary and illegal.

It is represented by the learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise that similar matters have been disposed of by this Court with a direction to the Deputy Commissioner of Prohibition and Excise to consider the request of the petitioner for release of the seized black jaggery and to pass appropriate orders in accordance with law.

In the circumstances, the writ petition is disposed of, granting liberty to the petitioner to make an appropriate application before the second respondent herein for release of the seized goods within a period of two weeks from today. If such an application is made, the second respondent is directed to consider and dispose of the same on furnishing bank guarantee of the value of the goods as determined by him, in accordance with law, within a period of four weeks from the date of receipt of such application from the petitioner. No order as to costs.

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29.10.2004

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To

1. The Station House Officer Kodad Rural Police Station, Kodad Nalgonda District.
2. The Deputy Commissioner of Prohibition and Excise, Mahaboobnagar Division, Mahaboobnagar District.
3. 2 CCs to the G.P. for Prohibition and Excise, High Court Buildings, Hyderabad (Out).
4. Two C.D. copies.